

SCHERING-PLOUGH CORPORATION

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August 6, 2004

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NOTES/COMMENTS:

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In re Application of: KUO et al.

For Patent For: Synthesis of Temozolomide and Analogs

Group Art Unit: 1624

Attorney Docket No.: CD01351 US/ Serial No.: 10/050,488

Filed: 01/16/2002

Dear Examiner:

Transmitted here with are:

- > Fax Cover Sheet 1 Page
- ➤ Response Transmittal PTO/SB/21 1 Page
- ➤ Response to Final Office Action 13 Pages
- Petition for Extension of time (2 Month) PTO/SB/22 1 Page
- ➤ Fee Transmittal PTO/SB/17 1 Page in duplicate
- ➤ Notice of Appeal PTO/SB/31 1 Page

William Y. Lee

Registered Representative Registration No. 46,100

PHONE: (908) 298-2161

FAX: (908) 298-5388

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		_			Examiner Name	Balas	subram	anian		
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Firm or Individual name William Y. Lee, Reg. No. 46,100 Signature William Y. Lee, Reg. No. 46,100 Date 08/06/2004										
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This collection of information is required by 37 CFR 1.5. The Information is required to obtain or rotain a banefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form analytic suggestions for reducing this burder, should be sent to the Chef Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03) Approved for use through 07/31/2006, OMB 0691-0032 U.S. Patent and Tredemark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known **FEE TRANSMITTAL** 10/050,488 Application Number 01/16/2002 Filing Date for FY 2004 KUO et al. First Named Inventor Effective 10/01/2003: Patent fees are subject to ennual revision. Examiner Name Balasubramanian Applicant claims small entity status. See 37 CFR 1.27 1624 TOTAL AMOUNT OF PAYMENT Attorney Docket No. CD01351 METHOD OF PAYMENT (check ell that apply) FEE CALCULATION (continued) Money 3. ADDITIONAL FEES Check Credit card Other None ama Entity , Small Entity Deposit Account Faa Code Fee Code Faa (\$) Fee Description Deposit Account Number Fee Paid 19-0365 130 1051 2051 65 Surcharge - late filing fee or eath Surcharge - late provisional filing fee or cover sheet 1052 50 2052 25 Schering-Plough Corporation Account 130 1053 Non-English specification The Director is authorized to: (check all that apply) 1812 2,520 1812 2,520 For filling a request for ex parte reexemination Credit any overpayments Charge fee(s) indicated below 1804 920 1804 920" Requesting publication of SIR prior to Charge any additional fee(a) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filling fee 1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action to the above-identified deposit account. 2251 1251 110 55 Extension for raply within first month FEE CALCULATION 420.00 1252 420 2252 210 Extension for reply within second month 1. BASIC FILING FEE 475 Extension for reply within third month 1253 950 2253 arge Entity Small Entity Fee Description Fee Paid 1254 1,480 2254 For Fee Code (\$) 740 Extension for reply within fourth month Code (3) 1255 2.010 2255 1,005 Extension for raply within fifth month 1001 770 2001 385 Utility filling fee 330.00 1401 330 2401 165 Notice of Appeal 1002 340 2002 170 Design filing fee 1003 530 2003 265 Plant filing fee 1402 330 2402 165 Filling a brief in support of an appeal 1004 770 2004 385 Reisaue filing fee 1403 290 2403 145 Request for oral hearing 1451 1,510 Petition to institute a public use proceeding 1005 180 2005 A0 Provisional filino fee 1451 1.510 1452 110 2452 55 Petition to revive - unavoidable SUBTOTAL (1) (\$) 0.00 665 Patition to revive - unintentional 1453 1,330 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1.330 2501 665 Utility issue fee (or reissue) 1502 480 2502 240 Design issue fee Total Claums 1503 640 2503 320 Plant issue fee Independent 130 Pelitions to the Commissioner 1460 130 1450 Multiple Dependent 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) Large Entity Small Entity 1806 180 1808 180 Submission of Information Disclosure Strat Fee Description Fee Fee Code (\$) Fee Fee Code (\$) 40 Recording each patent assignment per 8021 40 8021 property (times number of properties) 1202 18 2202 9 Claims in excess of 20 385 Filing a submission after final rejection (37 CFR 1.129(a)) 1809 770 2809 1201 88 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claim, if not paid 385 For each additional invention to be examined (37 CFR 1.129(b)) 1810 770 2810 ** Reissue Independent claims over original patent 1204 86 2204 43 1801 770 2801 385 Request for Continued Examination (RCE) 1205 2205 Reissue claims in excess of 20 1802 900 1602 900 Request for expedited examination 18 and over priginal patent of a design application Other fee (specify) (\$) 0.00 SUBTOTAL (2)

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SUBMITTED BY			(Complete (# applicable))	=
Name (Print/Type)	William Y. Lee	Registration No. 46,100	Telephone 908-298-2161	
Signature	initial ex		Date 08/06/2004	-

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Signature

William Y. Lcc

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Applicant claims small entity status. See 37 CFR 1.27	ì				Balasubramanian		
		Art Unit 1624					
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Registration No.

(Afformov/Agent)

Telephone

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08/06/2004

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PATENT CASE: CD01351

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **KUO** et al.

Examiner: BALASUBRAMANIAN

For Patent: Synthesis of Temozolomide

and Analogs

Group Art Unit: 1624

Serial No.: 10/050,488

Filed: 01/16/2002

Schering-Plough Corporation Kenilworth, New Jersey 07033

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

In response to the Final Office action of March 11, 2004, please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims, which begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.